HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 25593 of 2006

Dated 31st July 2007

Between:

Peddamallu Anjani Kumari & another

…Petitioners

and

The State Election Commission,
Rep.by its Secretary, Secunderabad & others

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 25593 of 2006

O R D E R:

The petitioners were appointed as Anganwadi workers for Kolakalur and Nandivelugu villages, respectively, of Tenali Mandal, Guntur District, and were also elected as Members of the respective Grampanchayats. The Directorate of Women and Child Development, Hyderabad, the 3rd respondent herein, issued Memo dated 14.11.2006, requiring the petitioners to exercise an option, either to continue as member of the Grampanchayat, or Anganwadi worker, within one week. Reference is made to an order of this court, dated 2.4.2007 in W.P.No.5537 of 2007. The petitioners challenge the memo dated 14.11.2006, on the ground that the A.P. Panchayat Raj Act (for short "the Act") contains detailed procedure and prescribes an Authority, to decide the question of disqualification under Section 18 of the Act, and the impugned memo is contrary to the same.

Heard the learned counsel for the petitioners and learned

Government Pleader for Women and Child Welfare.

Admittedly, the 3rd respondent is not an Authority, under the Act. It is only when the proceedings are initiated under the Act, that the petitioners can invoke the provisions thereof. According to the Government Orders in vogue, a person, who is appointed as an Anganwadi worker, cannot hold an elective office of Sarpanch, etc. In W.P.No.5537 of 2007, this court held that an individual cannot hold the post of Anganwadi worker, and the office of Sarpanch, at one and the same time. However, having regard to the lack of certainty in the matter, this court gave the petitioner therein, an opportunity to choose, either to continue as Anganwadi Worker or member of the Gram Panchayat, within 15 days. The same course was adopted in this case. This court does not find any basis to interfere with the impugned memo.

The writ petition is accordingly dismissed. There shall be no order as to costs.

31st July 2007

PAN